

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA HOUSING FINANCE  
AGENCY,

Plaintiff,

v.

DAVID HERRERA,

Defendant.

Case No.: 12-5482 JSC

**SUA SPONTE REQUEST FOR  
RELATED CASE DETERMINATION  
(Civil L.R. 3-12(c))**

Defendant David Herrera, proceeding pro se, removed this unlawful detainer civil action from the Contra Costa County Superior Court alleging federal question jurisdiction. The underlying complaint alleges a violation of California Code of Civil Procedure 1161a.

Northern District of California Local Rule 3-12(c) provides: Whenever a Judge believes that a case pending before that Judge is related to another case, the Judge may refer the case to the Judge assigned to the earliest- filed case with a request that the Judge assigned to the earliest-filed case consider whether the cases are related.

In reviewing Defendant's Notice of Removal and the related-filed documents, it has come to the Court's attention that this action may be related to *California Housing Authority v. Herrera*, No. 12-00105 WHA. The earlier action also sought to remove the same unlawful

United States District Court

Northern District of California

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1 detainer action filed against Defendant David Herrera in the Contra Costa County Superior  
 2 Court. The basis for removal in that action was also federal question jurisdiction. The  
 3 Honorable Judge Alsup remanded that case back the Superior Court of California, County of  
 4 Contra Costa on May 4, 2012. *See California Housing Authority v. Herrera*, No. 12-00105  
 5 WHA, Dkt. No. 20. In this action, Defendant seeks to remove the same unlawful detainer  
 6 action concerning the same real property. The only difference between the two notices of  
 7 removal is one line in the caption, which in this case states “42 U.S.C. § 1983 Discrimination  
 8 Civil Action for Deprivation of Rights,” and in the prior case was replaced with “S. 896 Sec.  
 9 702 Effect of Floreclosure [sic] on Preexisting Tenancy.” *Compare* No. 12-5482 JSC, Dkt.  
 10 No. 1 *with* No. 12-00105 WHA, Dkt. No. 1. The text of the documents is otherwise the same.

11 The Court notes that on June 26, 2012, Plaintiff filed yet another Notice of Removal of  
 12 the same unlawful detainer action premised instead on diversity jurisdiction which was  
 13 assigned to the undersigned. *California Housing Authority v. Herrera*, No. 12-3301 WHA,  
 14 Dkt. No. 1. The undersigned similarly filed a Sua Sponte Related Case Determination  
 15 Request in that action, and on August 30, 2012, the Honorable Judge Alsup related that action  
 16 to No. 12-00105. *Id.* at Dkt. No. 9. The Court remanded the case on October 2, 2012. *Id.* at  
 17 Dkt. No. 19. Thus, this action is the third time Plaintiff has removed the same unlawful  
 18 detainer proceeding.

19 Accordingly, pursuant to Local Rule 3-12(c) this action is referred to the Honorable  
 20 William Alsup for a determination of whether this action is related to *California Housing*  
 21 *Authority v. Herrera*, No. 12-00105 WHA.

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 23 **IT IS SO ORDERED.**

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 25 Dated: November 26, 2012

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 27 JACQUELINE SCOTT CORLEY  
 28 UNITED STATES MAGISTRATE JUDGE